

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

FREDERICK BANKS,)
Plaintiff)
vs.) Civil Action No. 09-1437
COMMONWEALTH OF) Chief U.S. District Judge Gary L. Lancaster/
PENNSYLVANIA; EDWARD G.) Chief U.S. Magistrate Judge Amy Reynolds Hay
RENDELL, Governor; PEDRO A.)
CORTES, Secretary of State; LUKE)
RAVENSTAHL, Mayor of the City of)
Pittsburgh; CITY OF PITTSBURGH;)
COUNTY OF ALLEGHENY; DAN)
ONORATO, Allegheny County Executive;)
UNITED STATES OF AMERICA,)
Defendants)

O R D E R

AND NOW, this 11 day of February, 2010, after the Plaintiff, Frederick Banks, filed an action in the above-captioned case, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties until January 21, 2010, to file written objections thereto, upon consideration of the objections filed by Plaintiff which are without merit, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that pursuant to 28 U.S.C. Section 1915A, the Plaintiff's civil action is dismissed prior to service as frivolous and/or malicious.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the Plaintiff desires to appeal from this Order he must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed. R. App. P.



GARY L. LANCASTER
Chief United States District Judge

cc: Honorable Amy Reynolds Hay
Chief United States Magistrate Judge

All Counsel of Record by electronic filing